IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.418 OF 2005

Kedar Naik .. Appellant

vs.

Municipal Corporation & Anr. .. Respondent.

Shri S.K.Sthalekar, Advocate for the Appellant.

Mrs.Geeta Joglekar, Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 29th March, 2005.

P.C. :

1. Heard learned Advocate for the Appellant and the learned Advocates appearing for the Respondent Nos.1 and 2.

2. After arguing the appeal for some time, the learned Advocate for the Appellant has tendered the affidavit of the appellant on record in which it is stated that appellant wants to withdraw the suit as he wants to apply for regularisation. The affidavit is taken on record and marked ‘X’ for identification. In view of the

said affidavit I pass the following order.

(i) The undertaking recorded in the said affidavit to withdraw the L.C.Suit No.1194 of 2005 is accepted and accordingly the suit is dismissed as withdrawn. The Trial Court will pass a formal order on the suit on the production of an authenticated copy of this order.

(ii) If application is made by the Appellant through a Licensed Architect to the appropriate authority of the Respondent No.1 Corporation for regularisation of the suit structure within a period of six weeks from today, the same shall be considered and decided by the concerned authority of the Respondent No.1 Corporation within a period of eight weeks from the date of the receipt of the application.

(iii) The concerned authority will serve copy of order passed on the said

application on the Appellant within a period of one week from the date of passing the order.

(iv) In case the application for regularisation is made within a period of six weeks as stated above, for a period of 18 weeks from today both the parties will maintain status quo as of today in respect of the suit structure. If application is not made within the stipulated time, it will be open for the Respondent No.1 Corporation to take action of demolition of the suit structure.

(v) Appeal from Order is disposed of in above terms with no order as to costs.

. Parties and the concerned authorities to act on the authenticated copy of this order.

(A.S.Oka, J.)